

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

OSCAR DIAZ, et al.,

Plaintiffs,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 1:22-cv-00246-DAD-BAK (SAB)

ORDER GRANTING MOTION TO STAY  
MATTER TO COMPLETE MEDIATION AND  
VACATING ALL PENDING DATES

(ECF No. 13)

Plaintiffs filed this action on February 25, 2022. (ECF No. 1.) The operative second amended complaint was filed on June 27, 2022. (ECF No. 10.) Defendant's response to the second amended complaint is due by August 15, 2022. (See ECF No. 12.) A scheduling conference is currently set for September 13, 2022. (See id.)

On August 15, 2022, the parties filed a stipulated motion to stay this action to allow for the completion of mediation. (ECF No. 13.) The parties proffer they have engaged in extensive meet and confer efforts regarding Plaintiffs' claims and Defendant's proposed response thereto, and the parties agreed on August 11, 2022, to engage in private mediation. The parties proffer they have not yet selected a mediator, but are informed that mediators familiar with cases like the instant matter are currently booking sessions for January/February 2023. Therefore, the parties

1 request the Court stay this case pending mediation and vacate all pending dates. The parties  
2 indicate they intend to advise the Court of the results of the mediation within five business days  
3 of its conclusion, and if the mediation is unsuccessful, the parties will propose new dates for  
4 Defendant's responsive pleading and the scheduling conference.

5 The Court finds good cause to grant the stipulated motion to stay this action. However,  
6 the parties are reminded that requests to modify the briefing schedule that are made on the eve of  
7 a deadline or thereafter will be looked upon with disfavor and may be denied absent a showing of  
8 good cause for the delay in seeking an extension. Furthermore, because the parties have not yet  
9 scheduled their mediation date or selected a mediator, the Court shall require the parties to submit  
10 a joint status report no later than September 9, 2022, confirming mediation has been scheduled  
11 and updating the Court on the status of mediation. Thereafter, the Court shall require the parties  
12 to file periodic joint status reports until the conclusion of the mediation, and will reset dates, as  
13 necessary.

14 Accordingly, IT IS HEREBY ORDERED that

- 15 1. The parties' stipulated motion to stay this matter pending completion of mediation  
16 (ECF No. 13) is GRANTED;
- 17 2. All pending dates in this matter are VACATED;
- 18 3. This matter is STAYED for the parties to complete mediation; and
- 19 4. The parties shall file a status report as to the status of mediation on or before  
20 **September 9, 2022.**

21 IT IS SO ORDERED.

22 Dated: **August 16, 2022**

23   
24 UNITED STATES MAGISTRATE JUDGE